

Minutes of the Maine Real Estate Commission

FEBRUARY 19, 2004

MEMBERS PRESENT

Sharon Millett
Earl Black
David Kitchen
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Glenna Nowell

Location: Central Conference Room

Start: 9:05 a.m.

Adjourn: 2:30 p.m.

Minutes – December 18, 2003

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to approve the minutes of the December 18, 2003 meeting as written. Unanimous.

Agenda Modifications

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to add the following to the agenda. Unanimous.

- Proposed Dismissals
 - #2001-110 #2003-054
 - #2003-027 #2003-060

Hearings

Director v. Christopher H. Longstaff: The Chair opened the hearing in the matter of Director v. Christopher H. Longstaff. The Deputy Director was present and represented by Assistant Attorney General Robert Perkins. Mr. Longstaff was present and not represented by counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to find Mr. Longstaff in violation of 32 M.R.S.A. §13067(1)(D)and (F), and §13191(1). Unanimous.

A motion was made by Winfred Stevens and seconded by Sharon Millett to order Mr. Longstaff to pay a fine in the amount of \$2000 and to place him under probation for the duration of his sales agent license period. Such probation shall require that Mr. Longstaff continue with the agency he

is currently registered and that all transactions involving him will supervised and signed by his supervisors (mother and stepfather) as well as himself. The designated broker of said agency shall also file three evenly timed reports indicating that Mr. Longstaff is complying with his probation requirements. Unanimous.

Director v. Michael W. Pajak: The Chair opened the hearing in the matter of Director v. Michael W. Pajak. The Deputy Director was present and represented by Assistant Attorney General Robert Perkins. Mr. Pajak was present and not represented by counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by Winfred Stevens and seconded by Sharon Millett to find Mr. Pajak in violation of 32 M.R.S.A. §13067(1)(F) and §13191(1). Unanimous.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to order Mr. Pajak to pay a fine in the amount of \$100 within 30 days. Stevens voted in the affirmative; Black, Kitchen, Millett, and Mitchell opposed. Motion failed.

A motion was made by Sharon Millett and seconded by David Kitchen to order Mr. Pajak to pay a fine in the amount of \$300 within 30 days. Black, Kitchen, Millett, and Mitchell voted in the affirmative; Stevens opposed. Motion carried.

Commission Decisions

A motion was made by David Kitchen and seconded by Sharon Millett to accept the Commission Decision regarding Director v. William P. Mouflouze (hearing 12/18/2003). Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the Commission Decision regarding Director v. Walter A. Thompson, Jr. (hearing 12/18/2003). Unanimous.

Consent Agreements

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-073. David Kitchen recused and left the room. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion Carried.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2003-107. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreement in case number 2003-130. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreement in case number 2003-143. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreement in case number 2003-149. Unanimous.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-150. Unanimous.

A motion was made by Sharon Millett and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2004-004. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2004-007. Unanimous.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2004-011. Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to reject the proposed Consent Agreement in case number 2004-012. Kitchen and Stevens voted in the affirmative; Black, Millett, and Mitchell opposed. Motion failed.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2004-012. Black, Millett, and Mitchell voted in the affirmative; Kitchen and Stevens opposed. Motion carried.

Dismissed Complaints

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Dismissal in case number 2001-066. Sharon Millett recused and left the room. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to accept the proposed Dismissals in case numbers 2001-028, 2001-041, 2001-047, 2001-051, 2001-053, 2001-068, 2001-078, 2001-093, 2001-102, 2001-103, 2003-123, 2003-134, 2003-148, 2004-001, 2004-003, 2001-110, 2003-027, 2003-054, and 2003-060. Unanimous.

Education Meeting

The Commission held a meeting with several of the pre-license course sponsors for the purpose of discussing the current course competencies.

Correspondence

Maine Association of Realtors – Realtors Affordable Housing Fund Notice: A motion was made by Sharon Millett and seconded by David Kitchen to eliminate the word “client” in the heading and eliminate the words “client funds” in the first sentence. Unanimous.

George Koutalakis – Broker CMA requirements: Tabled.

Director's Report

Request for Commission Speaker – Bangor Pre-license Course: A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to approve Earl Black to attend as Commission speaker. Unanimous.

Next Meeting Scheduled for March 18, 2004

The meeting was adjourned at 2:30 p.m.

This report respectfully submitted,

Earl Black
Chairman

Carol J. Leighton
Director